

POLICY OF THE MARIN SUPERIOR COURT FAMILY MEDIATION SERVICES

The welfare and best interests of children are primary concerns of the Marin Superior Court and its Family Mediation Services. We believe that early settlement of conflicts or disagreements about child custody/visitation is a benefit to the whole family. We believe that mediation will encourage parents to cooperate for the best interests of the child(ren).

To assist resolution of custody/visitation disputes, mediation is mandatory. If, however, there is no dispute over custody/visitation, mediation is not required.

FAMILY MEDIATION PROCEDURES

If you are a party to a child custody/visitation dispute, the law *requires* that you mediate the matter before the Court makes a decision. The Court provides mediation services without charge. Private mediation is also available. Consult an attorney, pediatrician, school counselor or Family Mediation Services for a reference.

If you file an Order to Show Cause or Motion regarding child custody/visitation, you must call Family Mediation Services within *72 hours (3 days)* of the filing to start mediation.

If you *receive* an Order to Show Cause or Motion regarding child custody/visitation *and do not agree with the order requested or have questions about the order requested*, you must call Family Mediation Services within 48 hours (2 days) of receiving the papers.

If you are modifying an existing custody/visitation agreement you must first go to your Order to Show Cause (OSC) hearing for referral to mediation.

Call Family Mediation Services at (415)499-7187. Following an orientation session, you will be assigned to a mediator who will schedule appointments with you and, possibly, with your children.

Failure to initiate or participate in family mediation services may result in the Court denying a request for custody/visitation, not hearing evidence from the non-participant, monetary sanctions for violation of Court rules, or other penalties.

Except in unusual cases, hearing (trials) on requests for child custody/visitation will not be heard until mediation has been completed. This does not mean that the Court cannot make an order for temporary custody or visitation rights, where appropriate.

A COPY OF THIS WRITTEN POLICY MUST BE ATTACHED TO THE *NOTICE OF MOTION OR ORDER TO SHOW CAUSE* RE: CHILD CUSTODY/VISITATION WHEN IT IS SERVED ON THE OTHER PARTY. YOUR PROOF OF SERVICE MUST REFLECT SERVICE OF THIS WRITTEN POLICY. FAILURE TO DO SO MAY PREVENT THE COURT FROM GOING FORWARD ON YOUR REQUEST FOR CUSTODY/VISITATION ORDERS.

FOR MORE INFORMATION REGARDING MEDIATION, THE MEDIATION PROCESS, SETTLEMENT CONFERENCES, EVALUATIONS, AND OTHER ACTIVITIES OF THE FAMILY MEDIATION SERVICES, CONTACT AN ATTORNEY OR CALL FAMILY MEDIATION SERVICES WHO CAN PROVIDE YOU WITH A BRIEF DESCRIPTION OF THE PROCEEDINGS. OTHER INFORMATION IS AVAILABLE IN THE CALIFORNIA CIVIL CODE, THE STATE COURT RULES, AND MARIN COUNTY RULES OF COURT.